

Conditional Rice Straw Burning Regulation

Introduction and Overview

The following draft regulatory proposal represents the Air Resources Board's second proposed draft of the Conditional Rice Straw Burning Regulations required by Health and Safety Code (HSC) section 41865. The purpose of this proposal is to encourage effective information exchange from all stakeholders at the next workshop on July 27, 2000. The meeting notice can be accessed on ARB's Website at <http://www.arb.ca.gov/rice/rice.htm>. Hard copies of this notice may be requested by telephone at (916) 324-8622.

The revisions proposed in this draft are intended to address comments received from various stakeholders since May 17, 2000 and make other clarifying amendments. This strikeout/underline draft regulation is for workshop purposes only. It uses marks to indicate changes in the draft from the May 17, 2000 preliminary draft version. Please be aware that formal proposed regulation, to be released in August 2000, will be a strikeout/underline version only showing changes to existing law.

Starting in 2001, existing law will limit rice burning to the lesser of 25 percent of each grower's planted acreage or a total of 125,000 acres in the Basin. The law will also allocate burning only for purpose of disease control. This new regulation must establish a program in the Basin that describes how rice growers must confirm the significant existence of disease prior to being issued a permit to burn by the air pollution control officer (APCO). The HSC assigns the county agricultural commissioners the important role of verifying that enough disease exists to warrant field burning. Once the agricultural commissioner has made such a determination, the APCO is authorized to issue a burn permit in accordance with HSC section 41865. The draft regulatory proposal includes the following elements:

- The Basinwide Air Pollution Control Council must develop an overall program for the review and approval of ARB's Executive Officer.
- Field inspections are required and may be conducted by growers, Pest Control Advisers, and other qualified individuals.
- Inspectors must be trained through an established training program.
- Inspectors and growers must follow specific inspection and reporting protocols and are subject to penalties for preparing or filing false documents.
- The agricultural commissioner must randomly verify the accuracy of inspection reports with a minimum amount of oversight inspections in the field.
- The agricultural commissioner must make written findings on the potential quantifiable and significant impacts on rice yield resulting from disease.
- The APCO may not issue a burn permit until the agricultural commissioner certifies that enough disease is present to require burning.
- The Basinwide Air Pollution Control Council must submit annual reports.

For questions or comments on this draft proposal, please feel free to contact Paul Buttner, Air Pollution Specialist, at (916) 324-8622.